

Developmental Disabilities Council
Reading Cover Page

Date: January 21, 2005

Meeting: Full Council

Reading Number: 05-02

Issue: Proposed Policies

Included in this reading:

Proposed Policy on Support Person's Code
of Conduct

Proposed Policy on Reasonable
Accommodation

Background/Summary:

Attached are two policies that Governance
Committee has revised and recommends
that the Full Council review and adopt.

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Support Person's Code of Conduct Policy

The Developmental Disabilities Council must ensure all Council members have the supports needed to fully and meaningfully participate in all Council meetings and Council activities.

Supports are based on the needs of, and directed by, each Council member. The supports that may be provided include, but are not limited to, assistance with:

- Transferring.
- Dressing and other personal hygiene tasks.
- Arranging transportation and driving when necessary.
- Meals.
- Understanding written materials and oral communications, before, during, and after meetings.
- Orientation to meeting spaces, restaurant and overnight rooms.

The Council member receiving the supports evaluates the support person's performance on an ongoing basis. Within the guidelines of the Council's Reasonable Accommodations Policy, the member directs any changes in supports.

The Developmental Disabilities Council requires support persons to respect all Council members':

- Self-Determination
- Independence
- Inclusion and integration in all Council meetings and Council sponsored activities.

The Support Persons' Code of Conduct Policy applies to all persons providing support to Council members and must be complied with at all times. Support persons must immediately

withdraw from any activities or encounters that are violations of this policy. Violations of the policy will result in termination of the contractual agreement for the support persons' services.

Support persons must adhere to the following performance expectations in providing support to members of the Developmental Disabilities Council:

- **Accuracy**—The support person must assist the member to understand written and oral information accurately. If the support person does not understand the information, the support person must inform the member and find knowledgeable sources to assist in interpreting.
- **Cultural Appropriateness**—The support person must be sensitive to and respectful of the cultural background, abilities, and disabilities of the individuals they serve and all members of the Council.
- **Confidentiality**— Support persons must keep the details of supports provided to Council members confidential. Support persons shall not divulge any information obtained through their assignments, including information gained through access to documents or other written materials.
- **Conflict of Interest**—Support persons must disclose any real or perceived conflict of interest that would affect their objectivity in the delivery of service.
- **Non-Discrimination**—Support persons must provide supports without any discrimination on the basis of gender, disability, race, color, national origin, age, social-economic or educational status, religious, political, or sexual orientation.

- **Professional Demeanor** –Support persons must be punctual, prepared, and dressed in a manner that is appropriate and not distracting from the situation. Support persons must refrain from using perfumes or other aromatic personal hygiene products, alcohol or illegal drugs while providing supports to Council members.
- **Professional Development** – Support persons must develop their skills and knowledge through professional training, continuing education, and interaction with colleagues and specialists in related fields.
- **Proficiency** —Support persons must meet the minimum employment standards as determined by the Developmental Disabilities Council and the member receiving support.
- **Reporting Abuse and Neglect** - Support persons must, as required by law, report any suspected abuse, neglect or financial exploitation of a person with developmental disabilities to Adult Protective Services.
- **Reporting Obstacles to Practice** –Support persons must assess at all times their ability to do their assigned tasks. If a support person has any reservations about his/her competency, they must immediately notify the member and the Council Member Support Coordinator and offer to withdraw.
- **Qualifications**– Support persons must accurately and completely represent their certifications, training, and experience. Support persons must pass a State Patrol Background check before providing supports to a Council member.

Support Persons must not do any of the following:

Support persons must not accept additional money, considerations, gifts, or favors for services from the member or other outside entities above the amount of compensation provided by the Council for providing supports to Council members. Support persons must not use the Council facilities, equipment or supplies for private or other's gain or advantage, and/or use or attempt to use their position to secure privileges or exemptions

Support persons must not express personal opinions or give advice about Council members or staff or about issues being discussed or considered by the Council before, during, and after Council meetings, executive sessions, and Council sponsored activities.

Support persons must not perform any task that is a potential risk to the health or safety of themselves or the members being supported and may withdraw from the task without fear of threat or retaliation. The support person must notify the Council member and the Council Member Support Coordinator before withdrawing.

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Reasonable Accommodation Policy

It is the policy of the Developmental Disabilities Council to provide all reasonable accommodations that create equal opportunities for access to and participation in Council meetings, workgroups, committees, executive sessions, and Council sponsored activities.

General Accommodations

The Council provides the following general accommodations:

- **Meeting Room Accessibility** – All Council meetings are held in accessible sites.
- **Meeting Structure/Break Times** – Council meeting agenda includes a scheduled 20-minute break during every 3 hours of meeting time and additional breaks, as needed.
- **Safe & Accessible Overnight Lodging** – is available, in accordance with the Americans with Disabilities Act (Public Law 101-336), and within state and federal travel regulations. Safety information is available at the time of check-in.
- **Transportation** – equal access to transportation is provided for all Council members.

Requesting other Accommodations

Requests for other accommodations must be communicated orally, or in writing, or by email to the Council's Member Support Coordinator two weeks prior to the Council meeting or activity. Accommodations are based on individual needs.

Examples of Other Accommodations:

- **Communication Assistance** – including interpreters, reader assistance, Braille, large type, computer disk materials, teleconference call meetings, or assistive listening systems.
- **Personal Assistance** – including assistance with dressing, toileting, eating, preparing for and participating in Council meetings and activities.
- **Special Dietary Needs** – including vegetarian meals or other special meals.

Program Access and Responsibilities to the Public

Accommodations are provided based on the following guidelines on making services, programs and activities accessible to all people with disabilities consistent with state and federal law.

The Council will provide equal opportunities to members of the public who are persons with disabilities to participate in Council business and activities regardless of disability or use of service animal as follows:

- Requests for accommodations must be communicated orally, or in writing, or by email to the Council Office at least two weeks prior to the Council meeting or activity.

The Council will inform members of the general public of:

- Their right to request accommodations,
- How to initiate such a request, and
- About internal complaint procedures, external mechanisms, and remedies if an individual believes that

he/she has been discriminated against on the basis of a disability.

External mechanisms may include filing a complaint with:

- a. Washington State Human Rights Commission
- b. United States Department of Justice
- c. United States Health and Human Services Office for Civil Rights

Facilities:

The Council will maintain current information about facilities' accessibility features and the availability of assistive equipment.

The Council will provide information that directs persons with disabilities to accessible services, activities, and facilities including signage that:

- Directs users to the accessible features of the facility (e.g. path-of-travel, entrances, restrooms, telephones, etc.)
- Complies with appropriate state and federal accessibility standards.

Communications:

The Council will take appropriate steps to facilitate effective communication with the person with the disability by giving primary consideration to requests of the person with the disability in determining what type of aid or service is necessary.

The Council will not retaliate against or coerce any person who exercises his or her rights, or assists others in exercising their rights under this policy or state and federal civil rights law.

The Council will not impose a surcharge on any individual with a disability or groups of people with disabilities to cover any additional costs of making a program or activity accessible.

Determining Reasonable Accommodations:

The Executive Director is responsible for deciding whether providing an accommodation would result in fundamental alteration in the nature of its programs, services or activities or would pose as an undue financial and administrative burden. The Executive Director's decision must be in writing with reasons for reaching that conclusion.

Definitions:

Auxiliary Aides and Services – means a wide range of services and devices for ensuring effective communication. The type of auxiliary aide or service necessary to ensure effective communication will vary according to the needs of the individual. Examples of these aides and services include but are not limited to:

- Support person who is qualified to interpret the information that is put forth to allow the individual an equal opportunity to participate in and contribute to Council business. Personal assistants to assist with bathing, dressing, toileting, eating, etc. (Support person does not include Council mentors.)
- Qualified sign and/or spoken language interpreters, note takers, written materials, assistive listening systems, telephones compatible with hearing aids, open and closed captioning, Tele-a-typewriter (TTY), videotext display, qualified readers, Braille materials, large print, communication boards, etc.

Fundamental Alteration and Undue Burden – are defenses for not meeting the program access requirements of Title II of the ADA. The Council is not required to make a program service or activity accessible if doing so would fundamentally alter the nature of the program, service or activity, or if it would result in an undue administrative or financial burden.

Person with a disability – is a person who meets one or more of the following:

- A physical or mental impairment that substantially limits one of more major life activities,
- Has a record of physical, mental or sensory impairment,
- Who is regarded as having a physical, mental or sensory impairment, or
- Has a condition medically cognizable or diagnosable and who is denied reasonable accommodation or is discriminated against on the basis of that condition.

Qualified person with a disability – means a person with a disability who meets the essential eligibility requirements to participate in Council programs and activities with or without reasonable modification to rules, policies or practices; removal of architectural communication or transportation barriers; or provision of auxiliary aids and services.

Service Animal – means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to:

- Guiding individuals with impaired vision
- Alerting individuals with impaired hearing to intruders or sounds
- Providing minimal protection or rescue work
- Pulling a wheelchair
- Fetching dropped items

Authorizing Sources:

Americans with Disabilities Act (ADA) Title II of 1990 (Public Law 101.336)

Rehabilitation Act of 1973, 29 U.S.C. 794 (Section 504)

Washington Law Against Discrimination – Revised Code of Washington 49.60

Washington Administrative Code 162-26

Governor's Executive Order 96-04

Developmental Disabilities Bill of Rights Act of 2000 (Public Law 106.402)